

HOUSE No. 852

By Mr. Nangle of Lowell, petition of David M. Nangle and others relative to the prevention of domestic abuse. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

David M. Nangle	Shirley Gomes
Stephen P. LeDuc	Paul J. Donato

In the Year Two Thousand and Five.

AN ACT RELATIVE TO PREVENTION OF DOMESTIC ABUSE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3 of Chapter 209A of the Massachusetts
2 General Laws, as appearing in the 2000 Official Edition, is hereby
3 amended by inserting the following text after subsection (i):—
4 “(j) in conjunction with any of the above mentioned protections
5 from abuse, the judge may require that the defendant wear an
6 electronic monitoring device and be subject to the provisions of
7 Section 10 of this chapter.”

1 SECTION 2. Chapter 209A of the General Laws, as appearing
2 in the 2000 Official Edition, is hereby further amended by
3 inserting at the end thereof the following section:—

4 “Section 11. There shall be established in each of the county
5 sheriff’s departments an active electronic monitoring program for
6 prevention of abuse. Said program shall be funded by the Com-
7 monwealth and all costs incurred in the procurement of equipment
8 shall be borne by the Commonwealth. There shall be established
9 by said sheriff’s departments statewide regulations and procedures
10 for the implementation of said program.

11 The program shall consist of the integration of passive and
12 active electronic monitoring. The passive system shall be able to

13 monitor a defendant's continued presence in a specific location.
14 The active system shall be able to alert a plaintiff of a defendant's
15 close proximity to a particular location or individual.

16 Pursuant to Section 3(j) of this chapter, a judge may order a
17 defendant to participate in this program. The defendant shall be
18 sent to the local sheriff's department where said defendant will be
19 outfitted with the necessary equipment. The sheriff's department
20 shall also provide the plaintiff with the necessary equipment and a
21 list of telephone numbers to call in case of an emergency. Said list
22 shall include, but not be limited to the numbers of the local police,
23 the sheriff's department and local shelters for battered women.

24 Any time a judge orders a defendant to participate in this pro-
25 gram pursuant to c. 209A Section 3(j), said judge shall also rec-
26 ommend to the defendant that the defendant attend a recognized
27 batterer's treatment program pursuant to c. 209A Section 3(i).

28 A violation of the order by the defendant which results in the
29 warning of the plaintiff by the electronic monitoring device, may
30 be used as evidence of harassment in violation of M.G.L. c. 265
31 Section 43."

1 SECTION 3. This act shall take effect upon its passage.